

### REMARKS

The non-final office action mailed June 29, 2005 and references cited therein have been received and reviewed. Claims 1, 47, 48, 60 and 61 have been amended and claims 41-43, 45, 46 and 66-72 have been canceled. Claim 1 has been amended to clarify that coded information is placed directly on the welding wire. Claims 40 and 60 have been amended to clarify the type and location of coded information on a welding accessory.

The Examiner stated that the IDS filed on June 25, 2003 was defective since the IDS did not include copies of non-patent literature. Applicant was under the understanding that pursuant to 37 C.F.R. 1.98(d) copies of such non-patent literature was not required to be resubmitted since 1) it was properly submitted in U.S. Patent No. 6,267,291 and 2) this patent application is identified as a related application to U.S. Patent No. 6,267,291. In order to remedy this misunderstanding, Applicant has enclosed herein copies of the non-patent literature for the Examiner's consideration.

Claims 1-76 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in U.S. Patent No. 6,708,877. Although Applicant does not agree with several of the Examiner's assertion regarding the similarities of the claims in U.S. Patent No. 6,708,877 and the claims pending in the present invention, Applicant has enclosed herein a terminal disclaimer to overcome the obviousness-type double patenting rejection.

Claims 1, 2, 4, 9, 10, 21-25 and 30-76 were rejected under 35 U.S.C. 102(e) as being anticipated by Lanouette. Applicant acknowledges that Lanouette discloses the use of a wire sensor such as a diameter sensor and a material sensor (Abstract; Col. 2, lns. 4-15; Col. 3, lns. 22-26) or a sensor that can read a bar code on a **spool of wire** (Abstract; Col. 2, lns. 4-15; Col. 4, lns. 28-33; Col. 4, ln. 64 - Col. 5, ln. 31); however, Lanouette does not disclose, teach or suggest placing information on the weld wire itself and/or using information that has been placed on the welding wire to control

one or more operations of a welder. For at least this reason, claim 1 and all the claims dependent therefrom are patentably distinct from the teachings of Lanouette. Applicant submits that claims 1-39 are in allowable form. For similar reasons, claims 73-76 are in allowable form.

Claims 40 and 60 have been amended to specify certain types of coded information that is located on certain types of welding accessories. Applicant submits that the limitations set forth in amended claims 40 and 60 are not disclosed, taught or suggested by Lanouette. For at least this reason, claims 40 and 60 and all the claimed dependents therefrom are in allowable form.

Applicant submits that the claims pending in the above-identified patent application are patentably distinct over the art of record.

Respectfully submitted,  
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

BRIAN E. TURUNG

Reg. No. 35,394

1100 Superior Avenue, Seventh Floor

Cleveland, Ohio 44114-2579

Telephone: (216) 861-5582

Facsimile: (216) 241-1666